

Remarks

Claims 1-5 and 61 are presently being examined. Claims 6-60 were previously canceled. Claim 1 has been canceled by this amendment. Applicant's representative would like to thank the Examiner for discussing the proposed amendments to the claims on October 19, 2004.

Amendments to the Claims

Claim 1 has been canceled by the foregoing amendment. Claims 2-5 and 61 have been amended. Claim 2 has been amended by converting it into independent form and by changing the term "method of treating andropause in a male patient" to "a method of treating benign prostatic hyperplasia in an andropausal male patient." Support for this amendment is in the specification at page 1, line 30 through page 5, line 28 and in claim 2 as originally filed. Claims 3 and 4 have been amended by making them dependent on claim 2 rather than on claim 1. Claim 5 has been amended by changing the term "D-tartrate" to "tartrate." This amendment is supported in the specification at page 36, lines 1-30. Claim 61 has been amended by changing the term "method of treating andropause in a male patient" to "a method of treating benign prostatic hyperplasia in an andropausal male patient." Support for this amendment is in the specification at page 1, line 30 through page 6, line 31, particularly at page 6, lines 29-31. No new matter has been added by these amendments. Entry of the above amendments and reconsideration and withdrawal of the rejections of claims 2-5 and 61 is respectfully requested.

35 U.S.C. §103(a) Rejection of Claims 1-5

Claims 1-5 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over MacLean et al. and Lund et al. The Examiner has alleged that MacLean discloses that an estrogen agonist/antagonist is useful for treating andropause and that Lund et al. discloses that testosterone is useful for treating andropause. The Examiner then alleged that the combination of MacLean and Lund renders the presently claimed method obvious.

The claims have been amended as described above, and no longer claim a method of treating andropause. The claims, as amended, now recite a method of treating benign prostatic hyperplasia in an andropausal male patient with a combination of an estrogen agonist / antagonist of formula I and testosterone. Applicants submit that the combination of MacLean et al. and Lund et al. in no way

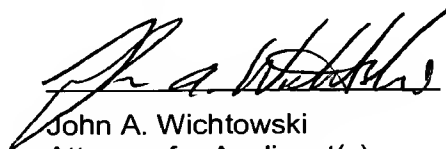
discloses or suggests a method of treating benign prostatic hyperplasia in an andropausal male patient with a combination of an estrogen agonist / antagonist of formula I and testosterone. Applicants respectfully request the Examiner to reconsider claims 2-5 and 61, as amended, and withdraw the rejection of these claims.

Conclusion

Applicants believe that in view of the remarks and amendments made above, this application is in condition for allowance.

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By:



John A. Wichtowski
Attorney for Applicant(s)
Registration No. 48,032

Pfizer Inc
Legal Division
Patent Department
MS: 8260-1611
Eastern Point Road
Groton, CT 06340
Phone: (860) 715-6645
Fax: (860) 441-5221